

SENATE BILL 3607

By Roller

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, relative to death threats.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 1, is amended by adding the following as new, appropriately designated sections:

§ 39-13-114.

(a) A person commits the offense of communication of a death threat concerning a school employee or student if:

- (1) The person communicates to any other person a threat to cause the death of a school employee or student;
- (2) The threat involves the use of a firearm or other deadly weapon; and
- (3) A reasonable person would believe the person making the threat intends to carry out the threat.

(b) A person commits the offense of aggravated communication of a death threat concerning a school employee or student if:

- (1) The person communicates to any other person a threat to cause the death of a school employee or student;
- (2) The threat involves the use of a firearm or other deadly weapon;
- (3) A reasonable person would believe the person making the threat intends to carry out the threat;
- (4) The person making the threat purposely engaged in conduct that constitutes a substantial step in a course of conduct intended to culminate in the commission of the threatened act; and

(5) There is a close temporal relationship between the threatened act and the substantial step.

(c) Conduct is not a substantial step under this section unless it is strongly corroborative of the person's criminal purpose.

(d) Communication of a death threat concerning a school employee or student is a Class A misdemeanor.

(e) Aggravated communication of a death threat concerning a school employee or student is a Class E felony.

(f) For purposes of this section, "school" means any:

(1) Elementary school, middle school or high school;

(2) Technology center or postsecondary vocational or technical school;

or

(3) Two-year or four-year college or university.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.